

**MIDLAND CITY COUNCIL
MINUTES
June 09, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on June 09, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., June 09, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

10:02

1. Invocation - Pastor Jon Slayden, Second Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Myor rec proc juneteenth

Mayor Morales called the meeting to order at 10:02 a.m.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Juneteenth

PUBLIC COMMENT

R mon Thom s long rel rec subm pp for funding to help. sk re ppt l rry edgerton to bo rd. need his commitment, exp. L rry served on bo rd 8-10 yrs, ppreci te serving. huge return on inv. prm good stew

Ryder - 42 l ng; crossing gu rds work well 3 items 1) budget def 2) hiring 3) new schools

Rich rd Russell, 2605 Culver

supports b n txtng while driving

3154 people killed over 4000 injured txtng f ctor.

40 TX cities h ve b ns.

funding v ilble for gr nts to support. sked Council to support b n.

person l rsn, gr ndd ughter driving, get it done.

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 35 excluding 6, 7, 8, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford,

Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of May 19, 2015.
9. Approved a resolution approving the purchase of seven (7) Wavetronix Matrix radar vehicle detection packages from Twincrest Technologies through Houston-Galveston Area Council (H-GAC) contract PE05-15 for a total cost of \$129,175.00 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 152

RESOLUTION APPROVING THE PURCHASE OF SEVEN (7) WAVETRONIX MATRIX RADAR VEHICLE DETECTION PACKAGES FOR USE AT TRAFFIC SIGNAL LOCATIONS FROM TWINCREST TECHNOLOGIES , INCORPORATED, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$129,175.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

10. Approved a resolution approving the purchase of Traffic Signal Maintenance equipment from Paradigm Traffic Systems, Inc. through Buyboard contracts 363-10 and 432-13 for a total cost of \$140,687.20 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 153

RESOLUTION APPROVING THE PURCHASE OF TRAFFIC SIGNAL MAINTENANCE EQUIPMENT FROM PARADIGM TRAFFIC SYSTEMS, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$140,687.20; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

11. Approved a resolution approving a contract for the Mill and Inlay Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 154

RESOLUTION AWARDING A CONTRACT FOR THE FY2015 MILL AND INLAY PROJECT TO JONES BROS. DIRT AND PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$2,028,011.57; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution approving the purchase of twenty-five (25) Panasonic laptops including a 3 year warranty for police vehicles for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 155

RESOLUTION APPROVING THE PURCHASE OF TWENTY-FIVE (25) PANASONIC LAPTOP COMPUTERS FOR POLICE VEHICLES FROM PCMG, INCORPORATED, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$103,061.75; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

13. Approved a resolution approving the sole source purchase of twenty five (25) XG-75M mobile radios for police vehicles for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 156

RESOLUTION APPROVING THE PURCHASE OF TWENTY-FIVE (25) XG-75M MOBILE RADIOS FOR POLICE VEHICLES FROM DAILEY-WELLS COMMUNICATIONS, INCORPORATED, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$114,656.25; AND SAID RADIOS WERE NOT BID BUT PURCHASED AS A SOLE SOURCE

14. Approved a resolution approving the purchase of police vehicle equipment for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 157

RESOLUTION AUTHORIZING THE PURCHASE OF POLICE VEHICLE EQUIPMENT FROM CAP FLEET UPFITTERS, AT A TOTAL COST OF \$163,230.22

15. Approved a resolution approving specifications authorizing advertisement for bids for an annual contract for Yard Waste Mulching for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 158

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR YARD WASTE MULCHING

16. Approved a resolution approving specifications and authorizing advertisement for bids for Environmental Compliance Sampling for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2015 - 159

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR COMPETITIVE BIDS FOR ENVIRONMENTAL COMPLIANCE SAMPLING FOR THE CITY OF MIDLAND'S UTILITIES DEPARTMENT; THE PROJECT WILL INCLUDE SAMPLING AND TESTING OF SOIL AND GROUNDWATER OF THE LAND APPLICATION AREAS AT SPRABERRY AND THE WATER POLLUTION CONTROL PLANT

17. Approved a resolution approving the execution of an Airport Use Agreement for Non-Tenant (Off Airport) Ground Transportation Permit between the City of Midland, Texas and N. C. Sturgeon dba Premier Parking Company. (AIRPORTS)

RESOLUTION NO. 2015 - 160

RESOLUTION AUTHORIZING THE EXECUTION OF AN AIRPORT USE AGREEMENT FOR A NON-TENANT (OFF AIRPORT) GROUND TRANSPORTATION PERMIT BETWEEN THE CITY OF MIDLAND, TEXAS AND N.C. STURGEON DBA PREMIER PARKING COMPANY

19. Approved a resolution authorizing the employment of the law firm of Cotton, Bledsoe, Tighe & Dawson, P.C. to represent the City of Midland in a lawsuit (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 162

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF COTTON, BLEDSOE, TIGHE & DAWSON, P.C. TO REPRESENT THE CITY OF MIDLAND IN THE LAWSUIT STYLED IN RE: PETITION OF MICHAEL HALL, INDIVIDUALLY AND

ON BEHALF OF THE ESTATE OF BARBARA HALL; AND ZACHARY HALL, INDIVIDUALLY (238TH JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NO. CV-51,165)

20. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2015 - 163

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INCORPORATED, AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; FINDING THAT SAID AGREEMENT IS FOR THE PROMOTION OF TOURISM AND THE HOTEL AND MOTEL INDUSTRY; FINDING THAT THE FUNDS PROVIDED UNDER SAID AGREEMENT SHALL BE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE HOTEL AND MOTEL INDUSTRY; AND PROVIDING THAT THE APPROVAL OF THIS RESOLUTION SHOULD NOT BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INCORPORATED

21. Approved a motion authorizing the extension of a five year lease agreement with the Boys & Girls Club of Midland for the facility at Halff Park. (COMMUNITY SERVICES)
32. Approved a resolution to authorize execution of a Professional Services Agreement with Parkhill Smith & Cooper Inc. to provide professional engineering services to the City of Midland assisting staff with fulfilling the 2015 Measurable Goals required by the TPDES Small MS4 General Permit TXR04000 under which the City has renewed coverage, as defined in the scope of services. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 174

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH TASKS RELATED TO THE 2015 MEASURABLE GOALS REQUIRED BY THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM SMALL MS4 GENERAL PERMIT TXR040000; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$77,500.00

33. Approved a resolution to authorize payment in the amount of \$25,800.00 to Fasken Land and Minerals Ltd, through a subsidiary entity Vineyard Reserve LLC (Vineyard Reserve) to satisfy the City's obligations as described in Resolution No. 2007-257. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 175

RESOLUTION AUTHORIZING PAYMENT TO VINEYARD RESERVE, LLC IN THE AMOUNT OF \$25,800.00 IN LIEU OF PROVIDING WATER TAPS TO FASKEN LAND AND MINERALS, LTD. ON CERTAIN REAL PROPERTY; SAID TAPS BEING CONSIDERATION FOR CERTAIN REAL PROPERTY INTERESTS TRANSFERRED FROM FASKEN LAND AND MINERALS, LTD. TO THE CITY OF MIDLAND IN ACCORDANCE WITH RESOLUTION NO. 2007-257; FASKEN LAND AND MINERALS, LTD. AND VINEYARD RESERVE, LLC BEING AFFILIATED ENTITIES

34. Approved a resolution authorizing an Operating Certificate for Willie White to operate a Taxicab Business. (POLICE)

RESOLUTION NO. 2015 - 176

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR ELITE TAXI SERVICE, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

35. Approved a resolution to apply for the FY2015 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2015 - 177

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO FILE A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2015 JUSTICE ASSISTANCE GRANT FUNDS PROGRAM TOTALING \$26,966.00; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; THE CITY OF MIDLAND WILL RECEIVE \$16,180.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$10,786.00 (40%) OF THE GRANT FUNDS RESPECTIVELY; THIS AGREEMENT DOES NOT SUPERSEDE, MODIFY OR AMEND ANY OTHER PRIOR AGREEMENTS

6. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Animal Services Renovation Project Phase II for the Animal Services Division. (PURCHASING)

RESOLUTION NO. 2015 - 149

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE ANIMAL SERVICES RENOVATION PROJECT PHASE II

Council Member Hotchkiss moved to adopt Resolution No. 2015 - 149; seconded by Council Member Dufford.

Sharla thank sheffield for donation of \$250,000 for project.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

7. Approved a resolution approving specifications and authorizing advertisement for bids for the 2015 Crack Seal Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 150

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 2015 CRACK SEAL PROJECT; SAID PROJECT WILL PROVIDE FOR THE SEALING OF CRACKS IN STREETS TO PREVENT WATER INTRUSION AND DEFEND AGAINST PAVEMENT DETERIORATION

Council Member Sparks moved to adopt Resolution No. 2015 - 150; seconded by Council Member Lacy.

Lacy pulled make sure getting biggest bang for bung and process fix some of roads due to cracking wanted context. Eric John son these two relatively expensive 7 \$250,000 contract ?? covers 3 of the chip seal areas. divided city into 10. this covers 3 area. this seals cracks in pavement that keeps moisture from getting through. Sparks after crack seal more that needs to be done. Eric yes microsurface or slurry seal.

let itgo through winter.

how many a month - eric int he 1000s . even when not making hot mix out with other devices. new equipment is python 5000 pothole. one man operation makes more efficient.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

8. Approved a resolution approving specifications and authorizing advertisement for bids for the Microsurfacing Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 151

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MICROSURFACING PROJECT; SAID PROJECT WILL PROVIDE FOR A "QUICK SET" PREVENTATIVE MAINTENANCE TREATMENT THAT EXTENDS THE LIVES OF ROAD SURFACES AND AESTHETICALLY IMPROVES ROADS

eric micro surf slurry seal with polymer more flex more exp \$1 to do cheaper sol than mill and overlay.

Council Member Dufford moved to adopt Resolution No. 2015 - 151; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

18. Approved a resolution awarding the project described as Space Port Business Park Demolition Project at Midland International Air & Space Port to M. Haste Construction, Co., Inc. of Plainview, Texas, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 161

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH M. HASTEY CONSTRUCTION, CO., INC., OF PLAINVIEW, TEXAS, FOR THE SPACE PORT BUSINESS PARK DEMOLITION PROJECT (9111) AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR BIDS FOR THE PROJECT; THE TOTAL ESTIMATED COST OF SAID PROJECT IS \$324,999.36; AND APPROPRIATING FUNDS

Council Member Lacy moved to adopt Resolution No. 2015 - 161 with amendment to appropriation language ; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

22. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 1 #2SH) located 577 feet from the north line and 1,929 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located to the west side of Golden Gate Drive approximately 577 feet south of extension of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 164

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 1,929 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY 577 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Dufford moved to approve Consent Agenda items 22 and 23; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: Love.

23. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 1 #1H) located 577 feet from the north line and 1,889 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located to the west side of Golden Gate Drive approximately 577 feet south of extension of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 165

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 1,889 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY 577 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of a permit to High Sky Partners LLC

(Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Synatschk No 2) located 428 feet from the north line and 1,000 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 428 feet south of Mockingbird Lane extension and approximately 1000 feet west of Fairgrounds Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 166

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 428 FEET FROM THE NORTH LINE AND 1,000 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 428 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND 1,000 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Hotchkiss moved to approve Consent Agenda items 24 through 31; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Sparks. ABSENT: Love.

25. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nickel No 103D) located 384 feet from the north line and 1,025 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 384 feet south of Mockingbird Lane extension and approximately 1025 feet west of Fairgrounds Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 167

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 384 FEET FROM THE NORTH LINE AND 1,025 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 384 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND 1,025 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

26. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Ramcon No 1207D) located 298 feet from the north line and 1,076 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 298 feet south of Mockingbird Lane extension and approximately 1076 feet west of Fairgrounds Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 168

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 298 FEET FROM THE NORTH LINE AND 1,076 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 298 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND 1,076 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

27. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Ramcon No 1208D) located 341 feet from the north line and 1,051 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 341 feet south of Mockingbird Lane extension and approximately 1,051 feet west of Fairgrounds Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 169

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 341 FEET FROM THE NORTH LINE AND 1,051 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 341 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND 1,051 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

28. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil and Gas Well within the City Limits, (Isbell Hz Unit No 111WA) located 2,416 feet from the north line and 1,943 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,943 feet east of Lamesa Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 170

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,943 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE EXTENSION, APPROXIMATELY 1,943 FEET EAST OF LAMESA ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

29. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil and Gas Well within the City Limits, (Isbell Hz Unit

No 108MS) located 2,416 feet from the north line and 1,793 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,793 feet east of Lamesa Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 171

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,793 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE EXTENSION, APPROXIMATELY 1,793 FEET EAST OF LAMESA ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

30. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil and Gas Well within the City Limits, (Isbell Hz Unit No 110WB) located 2,416 feet from the north line and 1,893 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,893 feet east of Lamesa Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 172

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,893 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE EXTENSION, APPROXIMATELY 1,893 FEET EAST OF LAMESA ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

31. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil and Gas Well within the City limits, (Isbell Hz Unit No 109LS) located 2,416 feet from the north line and 1,843 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,843 feet east of Lamesa Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 173

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,843 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE EXTENSION, APPROXIMATELY 1,843 FEET EAST OF LAMESA ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

SECOND READINGS

36. Consider an ordinance on second reading on a request by Midland SHS Development, LP for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar and in a conference center, on a 5,060-square foot portion of Lot 8A, Block 3, Westridge Park Addition, Section 18, City and County of Midland, Texas (Generally located northeast of the intersection of Catalina Drive and Deauville Boulevard.) (DEVELOPMENT SERVICES) (First reading held on May 19, 2015.)

ORDINANCE NO. 9442

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN APPROXIMATE 5,060-SQUARE FOOT PORTION OF LOT 8A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF CATALINA DRIVE AND DEAUVILLE BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR AND IN A CONFERENCE CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9442.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9442 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

37. Consider an ordinance on second reading on a request by Kevin Leary for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 1A, Block 2, Grandridge Park Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of the intersection of Holiday Hill Road and North Loop 250.) (DEVELOPMENT SERVICES) (First reading held on May 19, 2015.)

ORDINANCE NO. 9443

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING

FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9443 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9443.

38. Consider an ordinance on second reading establishing temporary construction speed zones on portions of Briarwood Avenue and Holiday Hill Road; authorizing and directing the Traffic Engineer to install appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on May 19, 2015.)

ORDINANCE NO. 9444

AN ORDINANCE ESTABLISHING TEMPORARY REGULATORY CONSTRUCTION SPEED LIMITS ON PORTIONS OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD FOR THE DURATION OF A ROADWAY IMPROVEMENT PROJECT BY THE CITY OF MIDLAND; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00), EXCEPT THAT THE MAXIMUM PENALTY OR FINE SHALL BE FOUR HUNDRED DOLLARS (\$400.00) IF AN OFFENSE OCCURS IN A CONSTRUCTION OR MAINTENANCE WORK ZONE WHEN WORKERS ARE PRESENT; AND ORDERING PUBLICATION

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9444 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9444.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

PUBLIC HEARINGS

39. At approximately 10:30 A.M. hold a public hearing for the 2015/2016 Community Development Block Grant Program and the 2015 -2019 Consolidated Plan. This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Sylvester Cantu - continuation of process for CDBG program. Up next prepare after mtg draft document of consolidated plan and action plan which is first year of cdbg for next 5 year. 30 day public review . back on July 8 for action of both items. those submitted hud by aug 15. regarding distribution if any questions. the program income amongst all other programs not reconstrucion prog which will be suspended for coming eyar. use

fund son projects as year comes along. additionally the public service funding amount is adjusted concerning prog income over past year. committee is love and lacy felt comfortable with public service distribution.

Mayor rec good will benefit comm as whole. lacy his and loves thought to max out as much as good. had another group asking for public service getting big bang for buck.

Mayor Morales opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

no further action.

40. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Lebco Industries, LP for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on a 1.50-acre portion of Lot 1B, Block 43, Fairmont Park Addition, Section 44, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 1,500-feet east of Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9445

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.50-ACRE PORTION OF LOT 1B, BLOCK 43, FAIRMONT PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 1,500 FEET EAST OF HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor Morales read the caption of Ordinance No. 9445.

Development Services Director Chuck Harrington gave a brief overview of the item noting name prop located layzboy . this will not allow any automobile dealerships along there. this orig zoned 1998 lr2 underlying zoning. prop to put lr2 in place and construct property. only change is removal of car dealership. deal location for this type of use. comm act perfect for site p7z rec approval and staff no loj.

Mayor Morales opened the public hearing at 10:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9445 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

41. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a

request by Chidinma A. Mbagwu for a Specific Use Permit with Term for a childcare center on a 10,350-square foot portion of the south 83.5 feet of Tract 18 and the north 167 feet of Tract 19, Morningside Addition, City and County of Midland, Texas (Generally located on the west side of North Main Street, approximately 350-feet north of West Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9446

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,350-SQUARE FOOT PORTION OF THE SOUTH 83.5 FEET OF TRACT 18 AND THE NORTH 167 FEET OF TRACT 19, MORNINGSIDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MAIN STREET, APPROXIMATELY 350 FEET NORTH OF WEST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9445.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made for creation of child care center on site. old charter school. closed vacant for number of year. portion of site for day care. max occ 150 students hours 7 am 6 p.m. Main street is collector and transportation division has conc about possibility of vehicles queing on mainstreet. asked to rovide plan to queue in parking lot. staff rec approval p7z approved. no loj. one person spoke about traffic issue. Lacy back half day care what is front half. Chuck no. Morales one solution might be more pakring spaces to pick up young ones. Chuck size quite a big of parking space. don't think will be issue.

Mayor Morales opened the public hearing at 10:42 a.m.

Jedema ??? current owner of property. have trnasportation plan and thumb drive and paper. mayor work with transportation will take and work with ti.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9446 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

42. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Francisco Hernandez for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,432-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of

Midland, Texas (Generally located on the north side of Briarwood Avenue, approximately 210-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9447

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,432-SQUARE FOOT PORTION OF LOT 33C, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 210 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9447.

Chuck Harrington former Walters anotehr sup down same center for similar on premesis consumption. restaurant floor are max seating 90 seats. req hours 6 am 11 p.m. Lacy is it customary approve 6 am sup. amend those hours are.

Mayor MOrales opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Juan Hernandez, 4416 Briarwood Avenue, here rep dad. lacy why suggest starting at 6 a.m. don't agree. morales hours of operation? Juan serve at 7:30-8:00 in Mexico. first in this area. Lacy okay ifamended to 11 a.m. start. pass on this until a later date. Sparks have second reading. Morales fine lets be fine if move forward and et this communication cleared up. courtney get staff to fu with applicant and make sure shere for next mtg. would like 7 to 11 for beer. find with opening bar around 11. courtney staff will work with him to find out.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9447 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

flag at second reading.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Robnett. NAY: Lacy. ABSTAIN: None. ABSENT: Love.

43. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Chase Gardaphe for a Specific Use Permit without Term for a Manufactured Home Park, on a 45.70-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the north side of East Golf Course Road, approximately 1,500-feet east of Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9448

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 45.70-ACRE TRACT OF LAND OUT OF SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST GOLF COURSE ROAD, APPROXIMATELY 1,500 FEET EAST OF FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9448.

Development Services Director Chuck Harrington gave a brief overview of the item noting request sup for mfgd home park. Process of platting his property which consists of mfg park and other retail activities adjacent to fairgrounds. provided flexible site plan, city code est mobile home park max 7 hoems per acre. 45 acres 320 mfg homes allowed on site. example layouts so approp spacing and set back. essential rec area including pool and hike and bike trails in park. require to have 2 off street parking per space and located nof rather than 300 ft from home. small mfg home park to s and w of proeprty. staff finds req reason p7z approved. no loj several people voiced concern at p7z esp golf course low wqter crossing but nothing he can do. ext scar and tie to south and east of fairgrounds so nice driveway to that side of town. Lacy agmt with operation existing oil well. working on that address in prel plat.

Sparks not requesting any variance. chuck no.

Morales on pipeline easement that will be a hike and bike trail.

Mayor Morales opened the public hearing at 10:54 a.m.

Chase Gardaphe 1340 E Fairgrounds RD?? few easements going to property big oxy pipeline. this is first phase of dev hoping to tie in additional phases that come in after with that pipeline easement as hike and bike trail to allow acess without going to main streets. verbal agreement with oil well and additional well site proposed ironing out final detials. Lacy requesting avariance on spacing for exisitng well. Chase outline is 135 ft variance off of wel site and 150 off tank battery. who is operator? endeavor. morales similar to first project? Cahse yes larger, diversity of units. taking what learned from first and applying to this one. First phase sold out. yes. Sparks drive by first proejct nice looking project from Fairgrounds road. has curb appeal. Hotchkiss difficult so had to be creative. Chase with low water crossing on golf course extneding scarbaur drive on later phase down along draw and turn into golf course is and connecting golf course run up and along north side of first phase. cul-de-sac for time being. city roads. road in community will be private.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No.

9448 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

44. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by John L. Lievens for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,259-square foot portion of Lot 13, Block 8, Westridge Park Addition, Section 27, City and County of Midland, Texas (Generally located southwest of the intersection of Tradewinds Boulevard and Windhaven Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9449

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND WINDHAVEN DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9449.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for sale of alcohol bev on prem consumption new rest flat stone bbq. generally close to Scharbauer sports complex. zoned lr2 no changes necessary. site plan for rest. total floor area 7450 sq ft. 3259 serving area. max seating 200. no church school 300 ft. request hours 11 a.m. to midnight. location staff requ reasonable. staff and p7z rec approval. no loj.

Mayor MOrales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9449 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

45. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Longview Wingpartners, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County

of Midland, Texas (Generally located on the north side of West Longview Avenue, approximately 270-feet east of Belmont Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9450

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,920-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 270 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9450.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing wing stop rest asking for sup for alco bev. rest flor 1920, max seating 54 seats, no ch or sch 300 ft, request hours 11 a.m. 11 p.m s-thur 11 to 12 f and s. staff req reasonable. rec approval along with p7z . no loj.

Mayor Morales opened the public hearing at 11:03 a.m.

Michael Suniga, 3101 N. Midland. mark sanchez resigning. ower of store wanted him to be new GM. 3 weeks until opening day trying to get everything put together. July 1 open could be pushed back. Morales TABC may not be ready.

cph 11:04 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9450 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

46. At approximately 10:51 a.m. hold a public hearing and consider an ordinance on a request by Dora Chavez for the vacation of the 0.06-acre portion of the alley right-of-way adjacent to Lot 6 and the north 50-feet of Lots 7 through 12, Block 120, Southern Addition, City and County of Midland, Texas (Generally located on the west side of South Dallas Street, approximately 140-feet north of East New York Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9451

AN ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO LOT 6 AND THE NORTH 50 FEET OF LOTS 7

THROUGH 12, BLOCK 120, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH DALLAS STREET, APPROXIMATELY 140 FEET NORTH OF EAST NEW YORK AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,600.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9451.

Development Services Director Chuck Harrington gave a brief overview of the item noting zoning case from month ago wanted mfg zoning turned don. since point in time owner on s/side of alley wanting ot purchase whole parcel to have construction of ahome on property. appraisal 5600 no loj. and rec approval of request. Lacy app not anticipating putting mfg home. no

Mayor Morales opened the public hearing at 11:06 a.m.

Sandra Chavez 506 S Dallas talking on behalf of mom consider request. what build. just put a fence no building.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9451 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

47. At approximately 10:54 a.m. hold a public hearing and consider an ordinance on a City-initiated proposal to amend Section 11-1-10(B) of the Midland City Code to add "Indoor Shooting Range" as a use permitted with a Specific Use Permit without Term in the LR-2, Local Retail District, or less restrictive districts. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9452

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING", SECTION 10, "SPECIFIC USE PERMITS", SUBSECTION (B) OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ALLOW THE ISSUANCE OF SPECIFIC USE PERMITS WITHOUT TERM FOR INDOOR SHOOTING RANGES IN THE LR-2, LOCAL RETAIL DISTRICT, OR LESS RESTRICTIVE DISTRICTS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9452.

Development Services Director Chuck Harrington gave a brief overview of the item noting over last few months received 3 inquiries for shooting ranges. something not spec id in code. need to address. other cities put in C-2 or less restrictive district. Felt lr2 is good starting district typically no close to residential normally heavy commercial or retail sales. worked through p7z decided sup for all lr2 or less restrictive because of opporutnity of sup look for things such as noise levels above ambient on outside of building. typically very quiet from personal use. staff rec class as new and distinct use to add indoor shooting ranges in c2 or less restrictive use in lr2 lr3 etail and c1. p7z

made rec to add use to be required by sup in any of those districts p7z approved with addition. no issue with applicants. Hotchkiss when write ord put more words around it requirements for soundproof. Chuck developing now and using applicants. Morales discussion about moment leave car how to carry gun. will discussions be discussed. Dufford no different then going to a gun store. Hotchkiss safety and noise is concern. John what does prop ord say section 1 number 41, staff prop indoor shooting range in Ir2 or less restrictive districts that is substance of ordinance. Sparks voting ord by sup only or by right in a c-2 and more restrictive but p7z rec all sup so what voting on today. chuck written as originally proposed concur with sup requirement in all districts without term. John that gets structure as such address safety concerns through the sup. Mayor based on what heard not cheap to open range. Hotchkiss amend ord to add SUP language. John think fine adding to list of uses that require an sup.

Mayor Morales opened the public hearing at 11:15 a.m.

Flo Reece, 1900 E golfj Course, Apt ?? speaking in behalf of indoor gun range. there is an indoor gun range opening Nov 1 in Midland County off of 1788.

Robert Rendall 550 W Tx ste 800. here today not on behalf of client but his capacity of doing work with different clients. a pproached by number of people really not place in city can open facility like this. encourage approve what staff proposed. if with sup that be done without term. because financing issue. expensive facility. lender won't finance if termed out. Lacy have background check for individuals oppeniing establishment. Corutney staff hasn't proposed. Robnett federal firearms restriction more restrictive than anything else. Sparks really not owners its people going into it. If can't sell will have saame problems.

cph 11:18 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9452 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

sparks wording see now is way ord wil ultimately read. it requires ssup in Ir2 and less restrictive. c-2 flal under that umbrella.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

MISCELLANEOUS

48. Approved a motion on a proposed preliminary plat of Riverbend Addition, being a 119.47-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of North Fairgrounds Road, on the north side of East Golf Course Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting prev dis ffor mfg home this is prel plat for entire dev. total of 119 acres spaces in 6 lots. requires council approval. p7z approved prel plat subject to approved rainage plant and public improvements addressed street direction labeling prop row along e golf

course and another requirement associated with approval by city council. Preliminary only. Did require letter of agreement from owner before final plat approval.

Council Member Lacy moved to approve a motion on a proposed preliminary plat of Riverbend Addition, being a 119.47-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of North Fairgrounds Road, on the north side of East Golf Course Road.); seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

49. Approved a motion appealing the Building Official's denial of a sign permit application by Effective Images located on 5200 Cholla Road, Midland, Texas (Generally located northeast of the intersection of Antelope Trail and Cholla Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item, loves travel stop proposing package of 41 signs with 1401 sq ft signage. Did not meet sign code and bldg official denied application. No 22 signed 1121 sq ft of signage. Number of issues still out there. Some directional signage proposing on 6 feet long and 2 feet high. Typically directional sign if below 4 sq ft or below. Asked for 50 foot sign for pole sign adjacent to interstate. This is larger than any other state restrict to 40 feet. Eval site distance no special restriction qualify as hardship. Site can be seen from good distance better to work with txdot to get travel stop located on blue signs. They have opportunity avail. Claim denial would create undue hardship but applicant has not presented any evidence of a hardship as defined. Staff can't rec approval of request. Lacy seems every month coming with variance for sign order. Do we need to revisit. Why have order if don't restrict. Chuck only worked with billboards. Anytime this many requests coming through it indicates needs to eval order to see what problems are to come up with other recommendations. Morales businesses coming with multiple on location. Lacy happy to work with staff to address. Truck different tier than drug store so don't have to go through variance process. Dufford 10 feet in height. Sparks something for and some don't know should be granting a variance. Like Chuck said if smaller than 18 sq feet on directional signs which don't need. At a loves this weekend and don't recall signs being that big. Height restrict is 40 feet they are but no terrain change can see that sign.

Morales is applicant present.

Jeremy Reesce 4440 Rockett Street, ??? why so many signs? majority directional signs 6 foot in width mainly for large truck traffic to see where to go autos in front trucks in back. Some on entire building for and different businesses. 4 businesses in one building. Robnett directional signs are of standard size to keep trucks separated from auto. Done these all over. Large amount of business is from interstate and signs for street signs for autos coming down antelope trail. They will work with txdot coming for blue signs. All signs are standard at locations.

Dufford in looking do you think signage is appropriate. Chuck the total amount of signage might be something need to look at. 360 ft is fairly small when large tracts of land. Many cities have options for frontage and how far back bldg located. A lot of issues need to explore but need to explore. Only thing relative to what asking for drive

down highway all day long not sure why truck going into parking lot needs big sign. its not high just long. Total worked to reduce it and if built standard directional signs would be better. Sparks these signs are 7 foot tall. Harrington internal directional need larger for higher speeds. Dufford hardisp on applicant to defer to next meeting do more work. how many acres 16 acres.

Council Member Dufford moved to defer to June 23, 2015 City Council Meeting.; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

50. Approved a motion making appointments to various Boards and Commissions. (CITY SECRETARY'S OFFICE)

Council Member Hotchkiss moved to apoint Larry Edgerton to MHMR board; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

Council Member Dufford moved to reappoint Lacy, Sparks, Love, MOrales to Spaceport Development Corp board; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

EXECUTIVE SESSION

recess to exec session at 11:37 a.m.

51. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

- a. Section 551.072, Deliberation Regarding Real Property.

- a.1. Discuss the purchase, exchange, lease, or value of real property described as approximately 0.74 acres of land adjacent to Fairgrounds Road and located in Sections 30 and 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary